

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ROY LEE MCATEER,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:07-CV-692-WKW
)	(WO)
BOB RILEY, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This case is before the court on a Motion for Preliminary Injunction and Temporary Restraining Order (Doc. # 48) filed by plaintiff Roy Lee McAteer. On March 31, just four days ago, this court entered an order (Doc. # 47) denying the plaintiff's first motion for a preliminary injunction. In the Motion for Preliminary Injunction and Temporary Restraining Order, the plaintiff also requests a hearing by a three-judge panel, which the court construes as a motion for a three-judge panel.

To the extent the plaintiff seeks a Preliminary Injunction and a Temporary Restraining Order, the motion is denied for the reasons contained in the Memorandum Opinion and Order dated March 31, 2008 (Doc. # 47). To the extent the plaintiff has made a motion for a hearing by a three-judge panel, the motion is due to be denied because a three judge panel is necessary only when "required by Act of Congress" or "when an action is filed challenging the constitutionality of the apportionment of congressional districts or the apportionment of any statewide legislative body," 28 U.S.C. § 2284(a), and the plaintiff has not shown he is

entitled a three-judge panel on either ground.

Accordingly, it is ORDERED that

1. Plaintiff's Motion for a Preliminary Injunction and Temporary Restraining Order (Doc. # 48) is DENIED.

2. Plaintiff's Motion for a Three-Judge Panel (Doc. # 48) is DENIED.

3. This case is REFERRED back to the Magistrate Judge for further proceedings.

DONE this 7th day of April, 2008.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE